

1761 #2
Docket No. 06/26/02
A71-07-LAV

STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

In Re Application Of: Jesse John Kiefer et al.

JUN 11 2003

Serial No.
07,967

Filing Date
January 16, 2002

Examiner
Unknown

Group Art Unit
1761

Invention:

CENTER-FILLED CHEWING GUM CONTAINING A DELIVERABLE FORM OF CALCIUM

TO THE COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- ☒ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- ☐ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.


Signature

Allen R. Kipnes, Esq.
Registration No. 28,433

Dated: June 9, 2003

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I certify that this document is being deposited on
June 9, 2003 with the U.S. Postal Service as first
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Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.


Signature of Person Mailing Correspondence

Jill S. Garretson

Typed or Printed Name of Person Mailing Correspondence

CC:

(Use several sheets if necessary)

JUN 11 2003

Jesse John Kiefer et al.

FILING

January 16, 2002

GROUP

1761

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	✓	0 086 856	31/08/1983	EPO				
	✓	WO 00/06127	10/02/2000	PCT				
	✓	WO 00/19977	13/04/2000	PCT				
	✓	WO 01/67884	20/09/2001	PCT				
	✓	EP 1 151 673	07/11/2001	EPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:
PFIZER INC.
 Attn. Lumb, J. Trevor
 201 Tabor Road
 Morris Plains, New Jersey 07950
 UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT
 OR THE DECLARATION

APR 25 2003

(PCT Rule 44.1)

Date of mailing
 (day/month/year)

22/04/2003

Applicant's or agent's file reference

PCAO000071

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/IB 03/00048

International filing date
 (day/month/year)

09/01/2003

Applicant

WARNER-LAMBERT COMPANY LLC

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2
 NL-2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Emmanuel Cherqui

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PCA0000071	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 03/00048	International filing date (day/month/year) 09/01/2003	(Earliest) Priority Date (day/month/year) 16/01/2002
Applicant WARNER-LAMBERT COMPANY LLC		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

CENTER-FILLED CHEWING GUM CONTAINING CALCIUM

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 39.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/IB 03/00048

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23G3/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23G A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00 06127 A (WARNER LAMBERT CO) 10 February 2000 (2000-02-10) page 7, line 10 -page 15, line 13; claims ---	1-15
X	US 5 670 163 A (CUCA ROBERT C ET AL) 23 September 1997 (1997-09-23) cited in the application column 8, line 45 -column 12, line 50 ---	1-3, 10-15
X	EP 0 086 856 A (NABISCO BRANDS INC) 31 August 1983 (1983-08-31) page 2 -page 6; claims ---	1-5, 10, 12-15
X	US 4 374 858 A (CEA THERESA ET AL) 22 February 1983 (1983-02-22) column 2, line 29 -column 3, line 13 --- -/-	1, 2, 10, 13-15

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

S document member of the same patent family

Date of the actual completion of the international search

14 April 2003

Date of mailing of the international search report

22/04/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5816 Patenlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Boddaert, P

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 03/00048

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 151 673 A (NESTLE SA) 7 November 2001 (2001-11-07) the whole document ---	1-15
X	US 4 316 915 A (FRIELLO DOMINICK R ET AL) 23 February 1982 (1982-02-23) column 1, line 32 -column 3, line 32 ---	1-5, 10, 12-15
X	US 4 683 138 A (GLASS MICHAEL ET AL) 28 July 1987 (1987-07-28) column 3, line 15 -column 5, line 36 ---	1-3, 10, 12-15
X	US 4 513 012 A (PICCOLO DOMINIC J ET AL) 23 April 1985 (1985-04-23) column 2, line 9 - line 24 column 3, line 14 - line 33 ---	1, 10, 11, 13-15
X	WO 01 67884 A (WARNER LAMBERT CO) 20 September 2001 (2001-09-20) claims 1, 5, 10, 19, 23, 27 ---	1, 10, 13-15
X	US 4 352 825 A (ROY RAYMOND L ET AL) 5 October 1982 (1982-10-05) column 1, line 51 - line 65 column 5, line 66 - line 68 ---	1, 2, 10-12
X	US 4 352 823 A (CHERUKURI SUBRAMAN R ET AL) 5 October 1982 (1982-10-05) example 1 ---	1, 2, 10, 11, 13-15
X	WO 00 19977 A (FUISZ TECHNOLOGIES LTD) 13 April 2000 (2000-04-13) page 10, line 16 -page 11, line 15 page 17, line 27 -page 18, line 25 ---	1-3, 10-15

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB 03/00048

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 15 is directed to a method of treatment of the human body, the search has been carried out and based on the alleged effects of the composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful international Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 03/00048

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0006127	A	10-02-2000	AU WO.	4549699 A 0006127 A1		21-02-2000 10-02-2000
US 5670163	A	23-09-1997	US AU AU CA EP JP WO US	5554379 A 690296 B2 2860595 A 2192961 A1 0760842 A1 10503482 T 9535351 A1 5858391 A		10-09-1996 23-04-1998 15-01-1996 28-12-1995 12-03-1997 31-03-1998 28-12-1995 12-01-1999
EP 0086856	A	31-08-1983	EP DE	0086856 A1 3272065 D1		31-08-1983 28-08-1986
US 4374858	A	22-02-1983	AT AU AU CA DE EP IE JP JP MX ZA	4480 T 535476 B2 6301480 A 1162782 A1 3064643 D1 0027024 A2 50130 B1 3004174 B 56058457 A 6769 E 8006065 A		15-09-1983 22-03-1984 22-04-1982 28-02-1984 29-09-1983 15-04-1981 19-02-1986 22-01-1991 21-05-1981 03-07-1986 30-09-1981
EP 1151673	A	07-11-2001	EP EP AU WO EP US AU WO EP	1151672 A1 1151673 A2 5223801 A 0182715 A2 1280414 A2 2003059501 A1 9518701 A 0182716 A1 1299006 A1		07-11-2001 07-11-2001 12-11-2001 08-11-2001 05-02-2003 27-03-2003 12-11-2001 08-11-2001 09-04-2003
US 4316915	A	23-02-1982	NONE			
US 4683138	A	28-07-1987	AU AU BR CA EP GR HK JP JP JP MX PT SG ZA	574286 B2 7387587 A 8703014 A 1318544 A1 0263781 A2 3002451 T3 14892 A 1787873 C 4075744 B 63258539 A 164773 B 85083 A , B 104891 G 8703849 A		30-06-1988 10-03-1988 26-04-1988 01-06-1993 13-04-1988 30-12-1992 28-02-1992 10-09-1993 01-12-1992 26-10-1988 23-09-1992 01-07-1987 14-02-1992 27-01-1988
US 4513012	A	23-04-1985	CA DE EP ES	1239552 A1 3473115 D1 0126570 A2 8600016 A1		26-07-1988 08-09-1988 28-11-1984 01-01-1986

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 03/00048

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 4513012	A	HK 14492 A IN 160462 A1 JP 1809755 C JP 5021539 B JP 59216550 A PH 21557 A ZA 8401720 A	28-02-1992 11-07-1987 10-12-1993 24-03-1993 06-12-1984 11-12-1987 31-10-1984
WO 0167884	A 20-09-2001	US 2001043907 A1 AU 4195301 A BR 0109066 A CN 1404363 T EP 1265494 A1 NO 20024293 A WO 0167884 A1 US 2002098157 A1 US 2002159955 A1	22-11-2001 24-09-2001 10-12-2002 19-03-2003 18-12-2002 07-11-2002 20-09-2001 25-07-2002 31-10-2002
US 4352825	A 05-10-1982	CA 1186934 A1 DE 3276294 D1 EP 0058946 A2 JP 57163445 A	14-05-1985 19-06-1987 01-09-1982 07-10-1982
US 4352823	A 05-10-1982	CA 1176497 A1 DE 3213591 A1 FR 2511227 A1 GB 2096447 A ,B IT 1152951 B JP 2011223 B JP 57181647 A MX 7246 E ZA 8202481 A	23-10-1984 11-11-1982 18-02-1983 20-10-1982 14-01-1987 13-03-1990 09-11-1982 12-02-1988 23-02-1983
WO 0019977	A 13-04-2000	US 6344222 B1 AU 5906899 A AU 6412299 A CA 2346330 A1 EP 1107730 A2 US 2002098264 A1 WO 0013662 A2 WO 0019977 A1	05-02-2002 27-03-2000 26-04-2000 16-03-2000 20-06-2001 25-07-2002 16-03-2000 13-04-2000